THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.27277 OF 2003

DATED : 27TH JANUARY, 2006.

Between:

P. Venkateswarlu … Petitioner

And

1. The Joint Collector, Nellore.
2. The Revenue Divisional Officer,
   Nellore, Nellore district.
3. The Mandal Revenue Officer, Chillakuru Mandal,
   Nellore District. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.27277 OF 2003

ORDER:

The writ petitioner is the fair price shop dealer of Kammavaripalem Village, Chillakuru Mandal, Nellore District.

By order dated 15-12-2003 passed by the 2nd respondent – Revenue Divisional Officer, Nellore, the authorization of the petitioner was suspended pending enquiry into an allegation that the petitioner had manhandled Sri P. Venkaiah, Panchayat Secretary of Kammavaripalem village and a case was registered against him. Aggrieved by the said order passed by the 2nd respondent – Revenue Divisional Officer, this writ petition is filed.

This Court while directing Rule Nisi, by order dated 31-12-2003 in W.P.M.P.No.34552 of 2003 granted interim suspension of the impugned order dated 15-12-2003 to the extent of the suspension of the authorization of the petitioner pending enquiry. However, this Court made it clear that it is open to the respondents to proceed with the enquiry and pass appropriate orders.

In response to the Rule Nisi, though counter-affidavit has been filed by the 3rd respondent - Mandal Revenue Officer, Chillakur in the month of November, 2004, nothing has been stated as to the stage of enquiry.

When the matter is taken up for consideration, the learned Counsel for the petitioner is also not in a position to state whether the enquiry has been concluded or not as of today.

Having regard to the nature of the controversy involved and particularly in view of the fact that by virtue of the interim order granted by this Court, the petitioner has been continuing as dealer, I am of the opinion that it is not necessary for this Court to express any opinion on merits. It is for the 2nd respondent – Revenue Divisional Officer to conduct the enquiry into the allegations against the petitioner and pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent – Revenue Divisional Officer to complete the enquiry initiated against the petitioner, if not already completed, and pass appropriate orders in accordance with law as expeditiously as possible. Till such time, the petitioner shall not be disturbed. No costs.

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G. ROHINI, J.

Dt.27-01-2006

GBS